

Appl. No. 09/923,486

Amdt. dated October 11, 2004

Reply to Office Action of July 13, 2004

PATENTREMARKS/ARGUMENTS

Claims 1-57 are pending. Claims 1 and 2 have been amended. New claims 54-57 have been added. The new and amended claims are supported by the specification. No new matter has been added in the amended or new claims.

*Claim Rejections - 35 U.S.C. § 103*Claims 1, 2, and 35

Claims 1, 2, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent number 5,774,802 to Tell *et al.*, hereafter Tell, in view of U.S. patent number 5,218,367 to Sheffer *et al.*, hereafter Sheffer. Reconsideration and allowance of the claims are respectfully requested for the following reasons.

Claim 1 recites "identifying a first physical location, defining a first zone based upon said identifying step, wherein said first zone comprises a first level of user service; and electronically displaying said first zone on a first map." There is no suggestion that Tell and Sheffer should be combined, but even if the references were to be combined, the combination would still fall short of the present invention. The applicants respectfully submit that neither cited reference, taken either alone or in combination, teaches or suggests the elements of claim 1.

As stated by the examiner on page 2 of the office action, Tell "fails to teach being able to display zone information in detail." (Office action dated July 13, 2004, page 2).

Sheffer, the secondary reference, describes a "vehicle tracking system" that "includes a computer for determining and displaying an approximate vehicle location from the incoming cell site identifying and signal strength information." (Sheffer, Abstract, emphasis added). Sheffer also describes this computer as being "programmed to compute an approximate vehicle location," which "is displayed on a map as a blinking red spot or circle." (Sheffer, col. 7, lines 36-41, emphasis added). Therefore, although Sheffer discusses determining and displaying the location of a vehicle, nowhere does Sheffer teach or suggest "identifying a first physical location, defining a first zone based upon said identifying step, wherein said first zone comprises

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a first level of user service; and electronically displaying said first zone on a first map," as recited by claim 1.

According to the present invention, for example, there may be a first zone having a first level of user service, such as a pricing of mobile phone calls attributable to calls made by the user from the first physical location. Such benefits and features are not provided by the prior art.

For at least these reasons, claim 1 is allowable over both the cited references, either taken alone or in combination.

Claim 2, is dependent on claim 1 and should be allowable for at least similar reasons as discussed for claim 1 above. Furthermore, claim 2 recites additional limitations and should be allowable for these additional reasons.

Claim 35 recites "electronically displaying a first service zone on a first map of a first geographical area, wherein all communications involving said first mobile communications number from within said first service zone are billed at a first rate." As discussed in relation to claim 1, Tell fails to teach being able to display zone information. (Office Action, page 2).

Moreover, although Sheffer discusses the display of approximate vehicle location on a map, there is no suggestion of "displaying a first service zone on a first map," wherein communications "from within said first service zone are billed at a first rate" as recited by claim 35. In the present invention, providing a display of the first service zone provides many features and benefits not possible with the prior art. For example, a user may see on the display the boundaries of the first service zone and try to stay within this zone because the first billing rate is less than in other zones. For at least these reasons, claim 35 is patently distinct over the cited references, either taken alone or in combination.

Claims 3-34 and 36-53

Claims 3-34 and 36-53 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tell in view of Sheffer and International Application WO 01/35683 to Fitch *et*

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al., hereafter Fitch. Reconsideration and allowance of the claims are respectfully requested for the following reasons.

The examiner has not made a *prima facie* case of obviousness because there is no suggestion that Fitch should be combined with either Tell or Sheffer, or both. In fact, the suggestion is quite the opposite - that the references ought not be combined. More specifically, Fitch discusses "location-dependent billing applications" in which "the user's geographical area definition [] is converted to a current network topological definition based on the configuration of the wireless communication network at or near the time the wireless communication device is operated. Accordingly, the location-dependent billing application readily adapts to changes in the wireless communication network." (Fitch at page 4, lines 20-25).

In contrast, nowhere do either Tell or Sheffer discuss changes in the wireless communication network and corresponding changes to the network topological definitions. In fact, Tell discusses "retrieving a location zone from a memory," but makes no mention of changes to the such location zones. (Tell, Abstract) Because of this difference, Tell would not contemplate incorporating what Fitch discusses.

Moreover, Sheffer only discusses the use of "a conventional cellular telephone network including a plurality of fixed cellular transmitter sites each covering a predetermined area." (Sheffer, Abstract). Once again, no mention is made of changes to the network or adaptation to such changes, or a combination of these. Therefore, Sheffer would also not contemplate incorporating what Fitch discusses.

Therefore, there is no motivation to combine the references as suggested by the examiner and these claims should be allowable.

In addition to these reasons for allowance, claims 3-34 are dependent on claim 1 and should be allowable for at least similar reasons as discussed for claim 1 above. Furthermore, these claims recite additional limitations and should be allowable for these additional reasons.

Moreover, claims 36-53 are dependent on claim 35 and should be allowable for at least similar reasons as discussed for claim 35 above. Furthermore, these claims recite additional limitations and should be allowable for these additional reasons.

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Claims 54-57

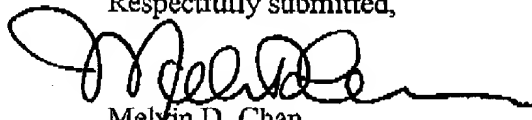
New claims 54-57 have been added to more specifically claim the present invention.

CONCLUSION

In view of the foregoing, applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal notice of allowance at an early date is respectfully requested.

If the examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400, extension 5213.

Respectfully submitted,



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